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REMARKS

Claims 1-3 are pending in the application. Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Dent. Claims 2 and 3 were indicated to be allowable. Claim 1 is currently amended. Reconsideration and further examination are respectfully requested.

The presently claimed invention distinguishes Dent because an access point employs messages received from other access points to select a channel. Dent teaches a position registration technique for satellite phones. The passages of Dent cited by the Office teach how a satellite phone can perform background scanning to select a channel on which to operate. In particular, the Dent satellite phone finds alternate channels, e.g., cellular channels, based on energy detection and may then migrate to one of those channels. There is no teaching in Dent of how to respond to use of a channel by another satellite phone, so if the Office is suggesting that the Dent satellite phone is analogous to the claimed access point then Dent is irrelevant. Unlike Dent, the presently claimed invention teaches a technique for **mitigating unnecessary channel overlap between access points**. This can be accomplished by **maintaining a channel map, claiming a selected channel from that map, and ascertaining whether to use the claimed channel based at least in-part on messages received from other access points on that channel during the claim interval**. Claim 1 has been amended to emphasize the mitigation of unnecessary channel overlap between access points. Withdrawal of the rejection of claim 1 is therefore requested.

Claim 1 has also been amended to correct the informalities listed in the OA. The sufficiency of these corrections is self-evident. Withdrawal of the objection is therefore requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

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requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


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